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Soviet Couple Lose Court Ruling

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LOS ANGELES, March 29 — A Federal district judge today ruled against a request to exclude what defense lawyers termed "prejudicial" evidence from the trial of a Russian émigré couple accused of being Soviet spies.

Lawyers for the couple, Svetlana and Nikolay Ogorodnikov, had sought to exclude evidence that could be interpreted as indicating they were pro-Soviet in their views.

The Ogorodnikovs are accused of conspiring to commit espionage for the Soviet Union with Richard W. Miller when he was an agent of the Federal Bureau of Investigation. The couple's trial is scheduled to begin Wednesday. Mr. Miller, who had been a bureau agent for 20 years when he was arrested with the couple in October, is to be tried later.

The judge, David V. Kenyon, also rejected a request by one of Mrs. Ogorodnikov's attorneys, Brad D. Brian, that the Government be barred from introducing as evidence statements Mr. Miller made about Mrs. Ogorodnikov to the F.B.I. Mr. Miller is expected to be called by the Government to testify against the Ogorodnikovs.

Mr. Brian made reference to a statement by Mr. Miller to the bureau that Mrs. Ogorodnikov had told him that she was "a major in the K.G.B.," the Soviet Government's intelligence and internal-security agency.

Mr. Brian argued that not even the Government believed her assertion about the high post in the K.G.B. The lawyer also contended that "nobody knows" what Mr. Miller would testify because he had made "contradictory" statements to his bureau interrogators.

Judge Kenyon indicated that he did not believe Mrs. Ogorodnikov was a high-ranking Soviet intelligence official.

"Certainly it's not true that she was a major in the K.G.B., or Andropov's daughter or things of that sort," Judge Kenyon said, referring to a former Soviet Premier, Yuri V. Andropov. The Government has said that Mrs. Ogorodnikov asserted at one time that she was Mr. Andropov's daughter and at another time that she had had a love af-

fair with him.

The judge said he considered such statements relevant, however, "to show identification with a certain group or side."

The material that the defense lawyers had sought to exclude from trial included any evidence that the Ogorodnikovs had made frequent trips to the Soviet Union, that they had made efforts to find a Soviet defector who was reported to be a K.G.B. officer and that Mr. Ogorodnikov had been observed taking photographs of anti-Soviet protesters at a demonstration in Los Angeles.